

**In The United States District Court
For The Middle District of North Carolina
Greensboro Division**

PEOPLE FOR THE ETHICAL TREATMENT
OF ANIMALS, INC.; CENTER FOR FOOD
SAFETY; ANIMAL LEGAL DEFENSE
FUND; FARM SANCTUARY; FOOD &
WATER WATCH; GOVERNMENT
ACCOUNTABILITY PROJECT; FARM
FORWARD; and AMERICAN SOCIETY FOR
THE PREVENTION OF CRUELTY TO
ANIMALS

Plaintiffs,

v.

JOSH STEIN, in his official capacity as Attorney General of North Carolina, and DR. KEVIN GUSKIEWICZ, in his official capacity as Chancellor of the University of North Carolina-Chapel Hill,

Defendants,

And

NORTH CAROLINA FARM BUREAU
FEDERATION, INC.,

Intervenor-Defendant.

NOW COMES State Defendants—Joshua H. Stein, Attorney General, and Kevin Guskiewicz, the Chancellor of the University of North Carolina at Chapel Hill—and Plaintiffs to jointly ask the Court to enter a judgment in favor of Plaintiffs against the State Defendants to resolve the issues of attorneys' fees and expenses and Plaintiffs' costs, in the amount of Eight Hundred and Eighty-Four Thousand and Nine Hundred and Eighty-Seven dollars (\$884,987). In support of this Motion the parties jointly state as follows:

1. Plaintiffs filed this action pursuant to 42 U.S.C. §§ 1983, 1988, which entitle prevailing parties to recover fees and costs. On June 12, 2020, this Court granted in part and denied in part the parties' cross-motions for summary judgment. Dkt. No. 139.

2. On August 10, 2020, Plaintiffs timely submitted a motion for attorneys' fees and bill of costs. Dkt. Nos. 154-56. Pursuant to this Court's suggestion, Dkt. No. 161, at 2, Plaintiffs and State Defendants subsequently jointly moved to stay adjudication of fees and costs pending the outcome of any appeal, a motion which this Court granted. Dkt. No. 167.

3. On February 23, 2023, the Fourth Circuit affirmed in part and reversed in part this Court's judgment. To increase efficiency, with Defendants' consent, Plaintiffs subsequently moved to transfer all fees and costs issues related to the appeal to this Court. The Fourth Circuit granted that request. To further increase efficiency while Defendants considered their further appellate options, the parties subsequently sought to stay any additional briefing on fees and costs until the time to seek certiorari from the U.S. Supreme Court expired, certiorari was denied, or the U.S. Supreme Court resolved the issues presented to it. Dkt. No. 177. This Court granted that motion. Dkt. No. 178.

4. Defendants sought certiorari and those petitions were denied on October 16, 2023.

5. The parties have since worked to settle the issue of fees and costs, with Plaintiffs providing State Defendants updated fee and cost information in October 2023 and State Defendants seeking, with consent, extensions in order to make an offer in response.

6. The parties have reached a negotiated settlement to resolve the amount of the fees, expenses, and costs.

7. Accordingly, the parties request that the Court enter a judgment in favor of Plaintiffs against the State Defendants to resolve issues of attorneys' fees and expenses and Plaintiffs' costs in the amount of Eight Hundred and Eighty-Four Thousand and Nine Hundred and Eighty-Seven dollars (\$884,987).

Respectfully submitted this the 20th day of February 2024.

FOR THE STATE DEFENDANTS

JOSHUA H. STEIN
ATTORNEY GENERAL

/s/ Matthew Tulchin

Matthew Tulchin
Special Deputy Attorney General
State Bar No. 43921
mtulchin@ncdoj.gov

North Carolina Department of Justice
P.O. Box 629
Raleigh, North Carolina 27602
919-716-6900
Counsel for State Defendants

FOR THE PLAINTIFFS

/s/ David S. Muraskin

David S. Muraskin*
FarmSTAND
712 H St. NE, Suite 2534
Washington, DC 20002
Counsel for Plaintiffs

Daniel K. Bryson
N.C. Bar Number: 15781
Jeremy Williams
N.C. Bar Number: 48162
Whitfield Bryson & Mason LP
900 W. Morgan Street
Raleigh, NC 27603
(919) 600-5000
dan@wbmllp.com
jeremy@wbmllp.com
Counsel for Plaintiffs

*Appearing by Special Appearance